

Preface

This manual is a guide to military law for company commanders--officers and noncommissioned officers. It will acquaint you with military law as reflected in military justice, administrative law, and personal rights, responsibilities, and restrictions. It outlines basic responsibilities and daily procedures for administering military justice and administrative law in the unit. It will assist you in safeguarding the personal and civil rights of the soldiers under your command.

The "Powell Report" on the Uniform Code of Military Justice stresses military law's role of maintaining discipline in the Army:

Discipline— a state of mind which leads to a willingness to obey an order no matter how unpleasant the task to be performed— is not characteristic of a civilian community. Development of this state of mind among soldiers is a command responsibility and a necessity. In the development of discipline, correction of individuals is indispensable; in correction, fairness or justice is indispensable. Thus, it is a mistake to talk of balancing discipline and justice— the two are inseparable.

Once a case is before a court-martial, it should be realized by all concerned that the sole concern is to accomplish justice under the law. This does not mean justice as determined by the commander referring a case or by anyone not duly constituted to fulfill a judicial role. It is not proper to say that a military court-martial has a dual function as an instrument of discipline and as an instrument of justice. It is an instrument of justice, and in fulfilling this function it will promote discipline.

(Powell Report: Report to Honorable Wilbur M. Brucker, Secretary of the Army, 1960)

This manual is more useful in a loose-leaf binder, enabling you to file local forms and directives with it. You may find that local directives will modify some procedures in this guide. Direct questions about this material to the local staff judge advocate office.

The proponent of this publication is The Judge Advocate General's School, US Army. Send comments and recommendations on DA Form 2028 to Commandant, The Judge Advocate General' School, US Army, ATTN: JAGS-ADA, Charlottesville, VA 22903-1781.

Unless this publication states otherwise, masculine nouns and pronouns do not refer exclusively to men.